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FEDERAL DISTRICT COURT OF
WESTERN WASHINGTON
TACOMA

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7 DARBY ROCHETTE,
8 Plaintiff,
9 v.
10 TRANQUILITY PARTNERS LLC,
11 Defendants.

No. 3:22-cv-5587

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13 **COMPLAINT FOR DAMAGES**
14 Jury Demand

15 COMES NOW the Plaintiff Darby Rochette (hereinafter “Rochette”) and complains of
16 Tranquility Partners LLC, DBA Discovery Recovery, a Washington Corporation, as well as
17 associated, predecessor and successor entities, (hereinafter, “Discovery”), , as follows:

18 **I. NATURE OF THE CASE**

19 This is a case involving discrimination, harassment, and wrongful discharge of a
20 transgender employee on the basis of sex and gender identity. Mr. Rochette was hired as
21 Residential Technician on June 17, 2019. Darby Rochette, a transgender employee who was
22 wrongfully terminated from his position with Discover Recovery on August 17, 2020 because of
23 his gender identity. Throughout his employment, Mr. Rochette was an exemplary employee. After
24 he came out as transgender at work, he was repeatedly harassed and discriminated against because
25 of his gender identity. Management tried to prevent him from using male pronouns, told him to
not disclose that he was transgender, and tried to force him to adhere to the dress code for women.

1 The discrimination culminated when Mr. Rochette was wrongfully terminated on August 17,
2 2020.

3 **II. PARTIES, JURISDICTION, AND VENUE**

4 1. Plaintiff resides in Pacific, Washington. He was at all times material to this action, a resident
5 of Pacific County, Washington.

6 2. Defendant Discovery is a Washington corporation doing business in Pacific County,
7 Washington.

8 3. The events, acts, and omissions giving rise to Plaintiff's claims alleged herein occurred
9 in Washington. Jurisdiction is proper in the Federal District Court of Western
10 Washington, Tacoma.

11 4. Subject matter jurisdiction is proper as the acts involved violate Title VII of the Federal
12 Civil Rights Act, and the court has supplemental jurisdiction over state claims pursuant
13 to 28 U.S.C 1337.

14 5. Venue is proper in Tacoma, Washington pursuant to Local Civil Rule (3)(1).

15 6. Plaintiff has obtained proper service of process on Defendants.

16 **III. FACTUAL ALLEGATIONS**

17 7. Mr. Rochette was hired on June 17, 2019 as a Residential Technician.

18 8. Around June 22, 2020, Mr. Rochette came out as transgender to his supervisor, Teresa
19 Martinolich.

20 9. Mr. Rochette was told not to tell clients that he was transgender, and despite the fact that he
21 was male and presented in a masculine fashion, he was made to perform urinary analyses for
22 female clients.

23 10. When Mr. Rochette wore masculine, work-appropriate attire that matched the dress code, he
24 was told that he could not wear gender affirming clothes that matched his gender identity.

- 1 11. Mr. Rochette was told he must wear women's clothing, and he was frequently reprimanded
- 2 for wearing gender affirming clothing.
- 3 12. Mr. Rochette's husband, an employee at Discovery Recovery, was told he could not refer to
- 4 Mr. Rochette with masculine he/him pronouns.
- 5 13. Mr. Rochette was asked invasive and inappropriate questions about his gender transition by
- 6 management, and management referred to him using derogatory terms for transgender
- 7 individuals.
- 8 14. He witnessed numerous transgender clients being deadnamed and misgendered, and when he
- 9 reported this to management, he was told it wasn't his concern.
- 10 15. Mr. Rochette, and his husband, were denied time off to seek gender affirming healthcare,
- 11 even after giving sufficient notice per company policy. When Mr. Rochette explained he
- 12 needed time off to seek gender affirming care, the management threatened to cut his hours.
- 13 16. On or around August 17, 2020, Mr. Rochette was instructed by the on-duty ARNP to
- 14 transport a client to the local hospital. Discovery Recovery then used this approved transport
- 15 of the client as proxy to wrongly terminate him because of his gender identity.

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18 **IV. CAUSES OF ACTION**

19 The above paragraphs are herein incorporated by this reference.

- 20 1. **Discrimination:** Defendants, by and through their actions and/or omissions, discriminated
- 21 against Plaintiff on the basis of his sex, gender identity, and sexual orientation in violation of
- 22 Title VII of the Civil Rights Act, and RCW 49.60 of the Washington Law Against
- 23 Discrimination.

2. **Harassment:** Defendants, by and through their actions and/or omissions, harassed Plaintiff because of his sex and gender identity.
3. **Emotional Distress:** Defendants, by and through their actions and/or omissions, intentionally inflicted emotional distress upon Plaintiff.
4. **Wrongful Discharge:** The conduct, acts and omissions of Defendants wrongfully discharged the Plaintiff based on his gender identity and sexual orientation.
5. **Other Claims:** Plaintiff reserves the right to conduct discovery into alternative claims and additional defendants and to amend these charges as necessary.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. That the Plaintiff be awarded damages for humiliation, personal indignity, embarrassment, fear, sadness, anger, anxiety, anguish and other forms of emotional distress he has experienced, in an amount to be proven at trial;
2. That Plaintiff be awarded lost wages stemming from the wrongful termination;
3. That the Plaintiff be awarded pre- and post- judgment interest to the extent authorized by law;
4. That Plaintiff be awarded all other actual damages;
5. That Plaintiff be awarded his reasonable attorney's fees and costs; and
6. That Plaintiff be awarded such other relief as the Court deems just and proper.

DATED August 10, 2022.

Mx. Law:

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Morgan Mentzer, WSBA #47483
Attorney for the Plaintiff